

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

-----X	:	
JASON WILLIAMS,	:	
	:	
Plaintiff,	:	Case No.: 5:19-cv-00475-BO
	:	
vs.	:	
	:	
AT&T MOBILITY LLC,	:	
	:	
Defendant.	:	
-----X		

**DECLARATION OF CHRISTOPHER N. LAVIGNE
IN SUPPORT OF PLAINTIFF JASON WILLIAMS' OPPOSITON TO AT&T'S
MOTION FOR SUMMARY JUDGMENT AND MOTIONS IN LIMINE**

I, Christopher N. LaVigne, hereby declare under penalty of perjury that the following is true and correct and state as follows:

1. I am an attorney admitted to practice law in the State of New York. I am a partner at the law firm of Withers Bergman LLP, counsel for Plaintiff Jason Williams ("Plaintiff") in the above-entitled action. I was admitted via *Notice of Special Appearance* in this matter on November 8, 2019 (Doc. No. 11).

2. I submit this declaration in support of Plaintiff's opposition to Defendant AT&T Mobility's ("AT&T's") Motion for Summary Judgment or Partial Summary Judgment in the Alternative and AT&T's Motions in Limine 1 and 2, filed concurrently with AT&T's summary judgment motion (all three motions collectively referred to hereafter as "Motions").

3. Attached to the Appendix of Exhibits filed in opposition to AT&T's Motions are true and correct copies of the following documents:

Exhibit No.	Description
1	Copy of AT&T's account notes associated with Mr. Williams' phone number, produced by AT&T (ATT-WIL-00624-690)
2	Copy of a "2018 Hack Tracker" document, produced by Mr. Williams (JW_0040-41)
3	Excerpts of Deposition of Jason Williams, taken on February 23, 2022
4	Excerpts of Deposition of AT&T employee and 30(b)(6) witness Ray Hill, taken on November 17, 2021
5	Plaintiff's Second Supplemental Response and Objections to Defendant's First Set of Interrogatories, dated April 20, 2021
6	Excerpts of Deposition of AT&T employee Robert Arno, taken on February 28, 2022
7	Defendant's Expert Report of Richard A. Sanders, dated August 2, 2021
8	Copy of article entitled "Identity Thieves Hijack Cellphone Accounts to Go After Virtual Currency," dated August 21, 2017, produced by Mr. Williams (JW_3334-37)
9	Copy of article entitled "How Criminals Recruit Telecom Employees to Help Them Hijack SIM Cards," dated August 3, 2018, produced by Mr. Williams (JW_3321-26)
10	Copy of article entitled "AT&T Contractors and a Verizon Employee Charged With Helping SIM Swapping Criminal Ring," dated May 13, 2019, produced by Mr. Williams (JW_3327-30)
11	Defendant's Initial Disclosures Pursuant to Fed. R. Civ. Proc. 26 (a)(1), dated May 18, 2020
12	Email communications between and among employees of AT&T and employees of Prime Communications, an AT&T authorized retailer, produced by Prime Communications (PRIME000001-04)
13	Copy of letter from counsel for Mr. Williams, Christopher LaVigne, to counsel for AT&T, Michael Breslin regarding crypto accounts, dated September 24, 2021
14	Plaintiff's First Supplemental Responses and Objections to Defendant's Second Set of Interrogatories, dated November 12, 2021
15	Copy of text messages received by Mr. Williams regarding a threat made to him, produced by Mr. Williams (JW_0034-35)
16	Copy of text messages received by Mr. Williams regarding a threat made to him, produced by Mr. Williams (JW_0036)
17	Copy of Application for Tax Paid Transfer and Registration of Firearm, produced by Mr. Williams (JW_3294-98)
18	Copy of text messages from Mr. Williams' regarding impersonation efforts, produced by Mr. Williams (JW_0037-38)
19	Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories, dated July 6, 2020
20	Copy of email chain between Google and Mr. Williams' counsel, Joseph Gallo, regarding Mr. Williams' inability to access his personal email account
21	PART 1: AT&T Wireless Customer Agreement in effect March 2018–Nov. 2018, produced by AT&T (ATT-WIL-05974-6016)

	PART 2: AT&T Wireless Customer Agreement in effect Nov. 2018–Feb. 2019, produced by AT&T (ATT-WIL-01498-1537)
22	Excerpt of AT&T’s Wireless Customer Agreement, including section 10.3.2 (ATT-WIL-01536)
23	Excerpt of AT&T’s Wireless Customer Agreement, including section 4.1 (ATT-WIL-05993-94)
24	Copy of transcript of podcast interview in which Mr. Williams describes the effects of the SIM swaps to the interviewer, produced by AT&T (ATT-WIL-02317-02320)
25	Copy of May 14, 2019 letter from AT&T’s employee Tami Shurtz, AT&T Senior Manager – Office of the President, addressed to Mr. Williams, regarding unauthorized CPNI access (ATT-WIL-06117)
26	Copy of July 3, 2019 letter from AT&T’s employee Nena Romano, Director, Compliance – AT&T Communications, addressed to Mr. Williams, regarding unauthorized CPNI access (ATT-WIL-06117)
27	Copy of September 23, 2021 AT&T “Cyber Aware” blog post entitled “Better Protect Your Online Accounts with ‘Two-Factor Authentication’”, produced by Mr. Williams (JW 3331-33)
28	Copy of an internal AT&T SIM swap security document entitled “Unauthorized SIM Swaps” (ATT-WIL-03915-17)
29	Copy of the Court’s March 25, 2020 Order denying Defendant’s Motion to Dismiss (Doc No. 20)
30	Copy of Defendant AT&T’s Memorandum of Law in Support of its Motion to Dismiss Pursuant to Rule 12 (b)(6), 12 (b)(1) and 9(b), dated December 20, 2019 (Doc No. 15)
31	Copy of Coinbase account statement regarding email address associated with Mr. Williams’ hacked account, produced by Coinbase

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 3, 2022
New York, New York

By: _____
Christopher N. LaVigne